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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DEBRA BAREFIELD,

12 Plaintiff,

13 v.

14 HSBC MORTGAGE SERVICES, INC., et al.,

15 Defendants.  
16

Case No. 1:21-cv-00613 NONE JLT

**ORDER TO SHOW CAUSE WHY  
SANCTIONS SHOULD NOT BE  
IMPOSED FOR THE PLAINTIFF'S  
FAILURE TO PROSECUTE THIS  
ACTION AND TO COMPLY WITH THE  
COURT'S ORDERS; ORDER  
CONTINUING THE MANDATORY  
SCHEDULING CONFERENCE**

17 The plaintiff, through counsel, initiated this action on April 9, 2021. (Docs. 1, 2) The  
18 Clerk of Court issued summonses on April 13, 2021<sup>1</sup> (Docs. 7-9) The order setting the  
19 mandatory scheduling conference reads,

20 The Court is unable to conduct a scheduling conference until defendants have been  
21 served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue  
22 service of summons and complaint and dismiss those defendants against whom  
23 plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the  
24 summons and complaint so the Court has a record of service. Counsel are referred to  
25 F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint Failure to  
26 timely serve the summons and complaint may result in the imposition of sanctions,  
27 including the dismissal of unserved defendants.

28 (Doc. 10 at 1) The plaintiff has not filed proofs of service, and no defendant has appeared in the  
action. In the order granting the request of Ms. Barefield's attorney to withdraw from the case  
(Doc. 13), the Court made two key points. First, the Court urged Ms. Barefield to carefully  
consider whether she truly wished to proceed in this action. Id. at 1, n. 1. The Court noted,

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<sup>1</sup> This delay was caused by the failure to pay the filing fee, the failure to file the civil cover sheet and the fact that the plaintiff filed two separate complaints. (Docs. 1, 2, 4, 5)

1 . . . this case bears a striking similarity to litigation Ms. Barefield filed in this Court  
2 earlier and which were decided against her. *See Barefield v. HSBC Holdings, PLC*, et al,  
3 Case No.” 1:18-v-527-LJO JLT; *Barefield v. HSBC Holdings, PLC et al.*, Case No. 1:18-  
4 cv-01442 LJO JLT. The Court urges Ms. Barefield to consider whether a fair reading of  
5 her complaint in conjunction with the previous two she has filed, could lead to the  
reasonable conclusion that this litigation is frivolous and intended for harassment  
purposes. If it is frivolous or intended as harassment, she is strongly urged to dismiss it  
now before service of the complaint and is cautioned that Fed.R.Civ.P. 11 may be  
invoked to impose sanctions.”

6 Id.

7 Second, the Court ordered Ms. Barefield to “serve the summons and complaint upon the  
8 defendants in compliance with Rule 4(m) of the Federal Rules of Civil Procedure,” and also that  
9 “Any request for an extension of time for service shall be filed by noticed motion and supported  
10 by good cause.” (Doc. 13 at 4) Though Ms. Barefield indicated that she intended to hire new  
11 counsel, more than a month has passed since the Court’s order allowing counsel to withdraw, but  
12 new counsel has not appeared and Ms. Barefield had not filed proofs of service. Her deadline for  
13 serving the summonses and complaint is fast approaching. Fed.R.Civ.P. 4(m). Therefore, the  
14 Court **ORDERS**:

15 1. **No later than July 16, 2021**, the plaintiff **SHALL** show cause why sanctions  
16 should not be imposed for the failure to prosecute this action and to serve the summons and  
17 complaint in a timely fashion as ordered. Alternatively, the plaintiff may file a proof of service  
18 demonstrating the summons and complaint has been served or she may file a request for  
19 dismissal of the action;

20 2. The scheduling conference is **CONTINUED** to **August 30, 2021** at 8:30 a.m.  
21 Failure to respond may result in the Court recommending dismissal of the action.

22 IT IS SO ORDERED.  
23

24 Dated: **June 30, 2021**

**/s/ Jennifer L. Thurston**  
CHIEF UNITED STATES MAGISTRATE JUDGE